



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Vacate a 10-Foot Public Utility Easement 290 Feet South of Lodi Avenue and 90 Feet West of Rose Street to Rose Street at 610 West Lodi Avenue

MEETING DATE: October 4, 1995

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution vacating a public utility easement 290 feet south of West Lodi Avenue and 90 feet west of Rose Street to Rose Street at 610 West Lodi Avenue.

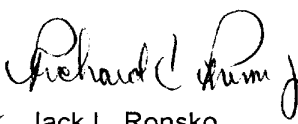
BACKGROUND INFORMATION: In 1988, a 10-foot public utility easement (PUE) was dedicated at the subject site for installation of a public water main. The water main was subsequently installed by the developer, but never accepted by the City or put into service. The need for this public water main was reactivated with the current Lucky's Store expansion project. Due to a lot line adjustment completed in conjunction with this project, a portion of the existing 10-foot PUE needs to be abandoned and relocated to allow construction on the newly configured parcels at the site. The portion of the PUE recommended for abandonment is shown on the attached exhibit. The original unused water main has been removed and a new relocated public water main is being constructed with the Lucky's project. Additional PUE's have been acquired to accommodate the new public water main.

All utility agencies and departments have been notified of the proposed abandonment and have declared acceptance of the abandonment, as shown.

Under Chapter 4, Part 3, Division 9 of the Streets and Highways Code, a local agency may summarily vacate an easement if "the easement has been superseded by relocation and there are no other public facilities located within the easement."

This Department, therefore, recommends that the request to abandon this easement be granted without Planning Commission referral or the normal posting, publishing, and public hearing.

FUNDING: Not applicable.

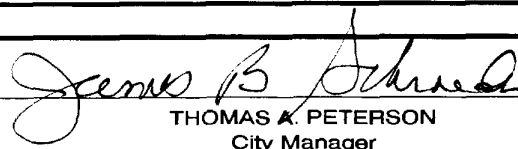

for Jack L. Ronsko
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician

Attachments

cc: City Attorney
Community Development Director
Electrical Utility Director

APPROVED:


THOMAS A. PETERSON
City Manager



recycled paper

RESOLUTION NO. 95-125

A RESOLUTION OF THE LODI CITY COUNCIL
VACATING A 10-FOOT PUBLIC UTILITY EASEMENT
290 FEET SOUTH OF LODI AVENUE AND 90 FEET WEST OF
ROSE STREET TO ROSE STREET AT 610 WEST LODI AVENUE

WHEREAS, on February 29, 1988, there was dedicated an easement for public utilities located at 610 West Lodi Avenue, Lodi, more particularly described as follows and delineated on the attached map:

610 West Lodi Avenue, a portion of Parcel B as shown on Book 15, Parcel Maps, Page 138, San Joaquin County Records; and

WHEREAS, the owners of 610 West Lodi Avenue, have requested that the City of Lodi abandon such easement; and

WHEREAS, such easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the Streets and Highways Code of the State of California, Sections 8330 and 8333 provide that the legislative body of a local agency may summarily vacate a public service easement if the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, pursuant to the requirements of Government Code Section 27288.1, the name of the owner of the title or interest 610 West Lodi Avenue as it appeared at the time and in the document creating the interest, right or encumbrance is as follows:

AMERICAN STORES PROPERTY, INC., A DELAWARE CORPORATION

WHEREAS, in accordance with Streets and Highways Code Section 8300 et. seq., it is the desire of the City Council of the City of Lodi to vacate such easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

That the 10- foot public utility easement 290 feet south of Lodi Avenue and 90 feet west of Rose Street to Rose Street located at 610 West Lodi Avenue, be vacated; and

That from and after the date this resolution is recorded, such easement will no longer constitute a public service easement.

Dated: October 4, 1995

I hereby certify that Resolution No. 95-125 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 4, 1995, by the following vote:

AYES: COUNCIL MEMBERS - Pennino, Sieglock, Warner and Mann (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - Davenport

ABSTAIN: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk

The centerline of a 10-foot Public Utility Easement being more particularly described as follows:
Commencing at the Southwest corner of Parcel "B" as shown on that certain Parcel Map filed in
Book 15 of Parcel Maps at Page 38, San Joaquin County Records;
thence N00° 03'10"W, 123.40 feet to the True Point of Beginning;
thence S89° 24'30"E, 154.00 feet;
thence N00° 35'30"E, 143.00 feet a point on the South line of Parcel "A" being the Point of
Termination.

SAVE AND EXCEPT the west 25 feet.

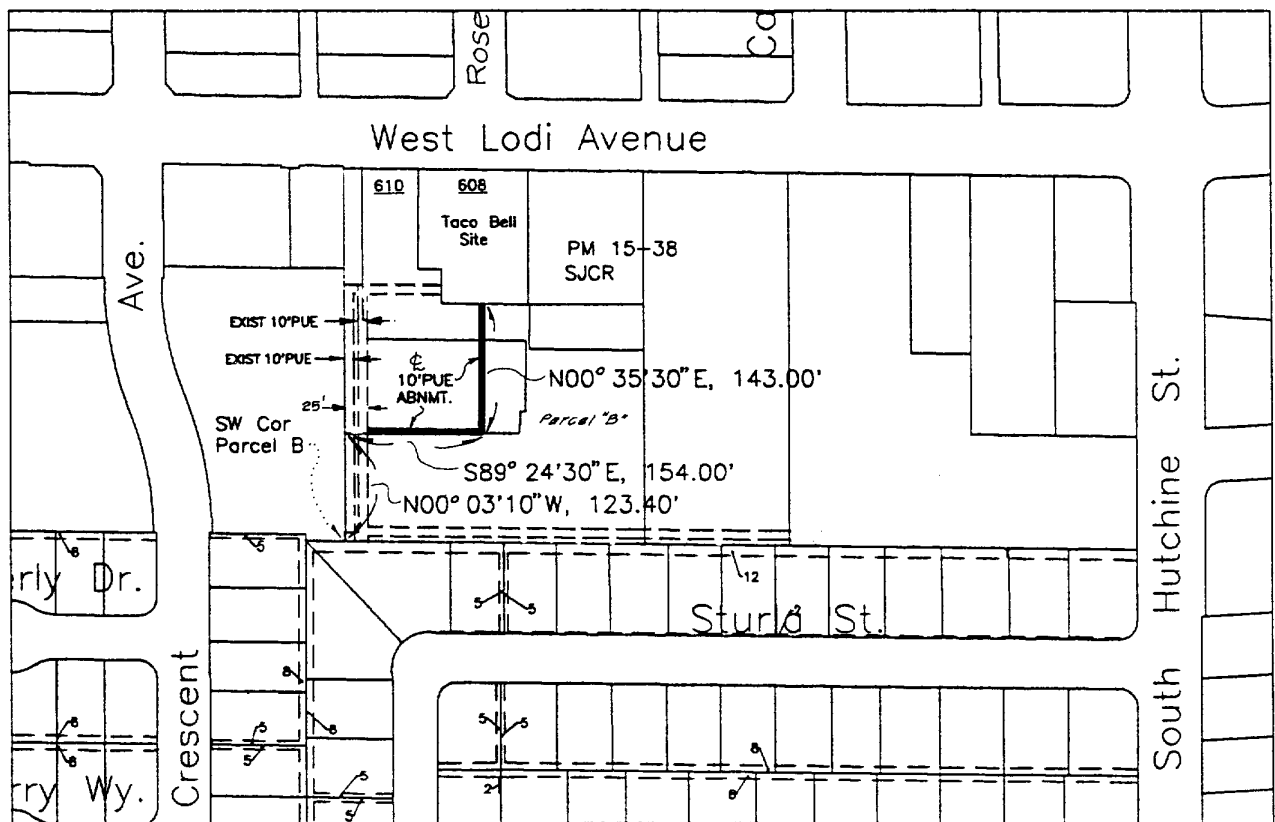


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EASEMENT VACATION

610 West Lodi Avenue



N.T.S.